

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DESHAME BRANCH,

Plaintiff(s),

vs.

V. LEAMAN, et al.,

Defendant(s).

Case No. 2:14-cv-02007-RCJ-NJK

REPORT AND RECOMMENDATION

On June 10, 2015, the Court denied without prejudice Plaintiff's application to proceed *in forma pauperis*. Docket No. 7. In particular, the Court noted that it appeared that Plaintiff was no longer incarcerated and, as such, he would be required to file a revised application addressing his current financial situation no later than June 29, 2015, if he wished to continue to pursue this lawsuit. *See id.* at 1.¹ The Court expressly warned Plaintiff that "THE FAILURE TO FILE AN APPLICATION TO PROCEED *IN FORMA PAUPERIS* BY THAT DATE WILL RESULT IN A RECOMMENDATION THAT THIS CASE BE DISMISSED." *Id.* (emphasis in original). To date, Plaintiff has not filed a renewed application to proceed *in forma pauperis*.

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¹ The Court also strongly encouraged Plaintiff to carefully consider whether he would like to continue pursuing this case as he is ultimately responsible for paying the full amount of the filing fee even if he is granted *in forma pauperis* status and his case is then dismissed. *See id.*; *see also* Docket No. 2 (discussing likelihood that Plaintiff's complaint would be dismissed at the pleading stage).

1 Accordingly, **IT IS RECOMMENDED** that this action be **DISMISSED** with prejudice.

2 Dated: July 2, 2015

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4 Nancy J. Koppe
UNITED STATES MAGISTRATE JUDGE

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7 **NOTICE**

8 These findings and recommendations are submitted to the United States District Judge assigned to
9 the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with
10 these findings and recommendations, any party may file written objections with the court. Pursuant to
11 Local Rule of Practice (LR) IB 3-2(a), any party wishing to object to the findings and recommendations of
12 a magistrate judge shall file and serve *specific written objections* together with points and authorities in
13 support of those objections, within fourteen days of the date of service of the findings and
14 recommendations. The document should be captioned “Objections to Magistrate Judge’s Findings and
15 Recommendations.” The parties are advised that failure to file objections within the specified time may
16 waive the right to appeal the District Court’s Order. *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991). The
17 points and authorities filed in support of the specific written objections are subject to the page limitations
18 found in LR 7-4.
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